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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 BRADLY M. CUNNINGHAM,

9 Plaintiff,

v.

10 ADAM FORTNEY, et al.,

11 Defendant.

CASE NO. C23-1949 BHS

ORDER

12
13 THIS MATTER is before the Court on pro se prisoner plaintiff Bradley
14 Cunningham's motion for reconsideration, Dkt. 43, and his second, "proposed" motion
15 for reconsideration, Dkt. 47. Cunningham asks the Court to vacate its Order, Dkt. 40,
16 dismissing this case with prejudice and without leave to amend, because he failed to pay
17 the filing fee and because he failed to state a plausible claim. Cunningham appealed the
18 Court's judgment, Dkt. 41, before the Court ruled on his pending motions. Dkt. 50.

19 The Ninth Circuit has informed the Court that it is holding Cunningham's appeal
20 in abeyance until this Court resolves his pending motions. Dkt. 54 (citing Fed. R. App. P.
21 4(a)(4)).
22

1 Under this District’s local rules, a motion for reconsideration must be filed within
2 14 days of the order to which it relates. Local Rules, W.D. Wash., LCR 7(h)(2). Motions
3 for reconsideration are disfavored and will ordinarily be denied absent a showing of (a)
4 manifest error in the ruling, or (b) facts or legal authority which could not have been
5 brought to the Court’s attention earlier with reasonable diligence. LCR 7(h)(1). The term
6 “manifest error” is “[a]n error that is plain and indisputable, and that amounts to a
7 complete disregard of the controlling law or the credible evidence in the record.” *Black’s*
8 *Law Dictionary* 622 (9th ed. 2009).

9 Reconsideration is an “extraordinary remedy, to be used sparingly in the interests
10 of finality and conservation of judicial resources.” *Kona Enters., Inc. v. Est. of Bishop*,
11 229 F.3d 877, 890 (9th Cir. 2000). “[A] motion for reconsideration should not be granted,
12 absent highly unusual circumstances, unless the district court is presented with newly
13 discovered evidence, committed clear error, or if there is an intervening change in the
14 controlling law.” *Marlyn Natraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d
15 873, 880 (9th Cir. 2009). Mere disagreement with a previous order is an insufficient basis
16 for reconsideration, and reconsideration may not be based on evidence and legal
17 arguments that could have been presented at the time of the challenged decision. *Haw.*
18 *Stevedores, Inc. v. HT & T Co.*, 363 F. Supp. 2d 1253, 1269 (D. Haw. 2005). “Whether or
19 not to grant reconsideration is committed to the sound discretion of the court.” *Navajo*
20 *Nation v. Confederated Tribes & Bands of the Yakama Indian Nation*, 331 F.3d 1041,
21 1046 (9th Cir. 2003).

1 Cunningham's first motion for reconsideration asserts that he in fact paid the filing
2 fee, as demonstrated by a mail receipt. Dkt. 43 at 1–2. Cunningham's submittal does not
3 establish that he paid the filing fee, and he did not. *See* Dkt. 37. The Court will not
4 reconsider its Order or its judgment based on this argument or this evidence.
5 Cunninghams' motion on this point is **DENIED**.

6 The remainder of Cunningham's first motion seeks an immediate award of billions
7 of dollars, and his immediate release from prison. He asserts the Court is "obligated to
8 immediately compensate him \$100,000,000.00 in damages" for the abuse "defendant 3"
9 has inflicted upon him. He claims the Court has a "duty to order Defendant 3 to pay
10 damages in the sum of \$2,071,785,000.00." He also seeks "reimbursement" of
11 \$435,000,000.00 he lost when "Defendant 3 forced unemployment." Dkt. 43 at 2–4.
12 These claims are wholly without merit, and the Court will not reconsider its decision
13 dismissing them with prejudice. Cunninghams' motion for reconsideration on this point is
14 **DENIED**.

15 Cunningham's second motion for reconsideration was filed March 18, more than
16 14 days after the February 29 Order to which it relates.¹ It is untimely, and it is **DENIED**.

17 **IT IS SO ORDERED.**

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21 ¹ Cunningham's second motion also argues that he is entitled to proceed *in forma*
22 *pauperis*, but the Court denied his application to so proceed on February 5—far more than 14
days before he filed his second motion for reconsideration.

1 Dated this 2nd day of May, 2024.

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4 BENJAMIN H. SETTLE
5 United States District Judge
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